



[Billing Code 3190 –W2-P]

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding Waiver of Discriminatory Purchasing Requirements with Respect to Goods and Services Covered by Chapter Nine of the United States-Colombia Trade Promotion Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Determination Regarding Waiver of Discriminatory Purchasing Requirements under Trade Agreements Act of 1979.

EFFECTIVE DATE: May 15, 2012.

FOR FURTHER INFORMATION CONTACT: Jean Heilman Grier, Senior Procurement Negotiator, Office of the United States Trade Representative, (202) 395-9476, or Daniel Stirk, Associate General Counsel, Office of the United States Trade Representative, (202) 395-9617.

SUPPLEMENTARY INFORMATION: On November 22, 2006, the United States and Colombia entered into the United States-Colombia Trade Promotion Agreement (“Colombia TPA”). Chapter Nine of the Colombia TPA sets forth certain obligations

with respect to government procurement of goods and services, as specified in Annex 9.1 of the Colombia TPA. On October 21, 2011, the President signed into law the United States-Colombia Trade Promotion Agreement Implementation Act (“the Colombia TPA Act”) (Pub. L. No. 112–42, 125 Stat. 462 (19 U.S.C. 3805 note). In section 101(a) of the Colombia TPA Act, the Congress approved the Colombia TPA. The Colombia TPA will enter into force on May 15, 2012.

Section 1–201 of Executive Order 12260 of December 31, 1980 (46 Fed. Reg. 1653) delegates the functions of the President under Sections 301 and 302 of the Trade Agreements Act of 1979 (“the Trade Agreements Act”) (19 U.S.C. 2511, 2512) to the United States Trade Representative.

DETERMINATION: In conformity with sections 301 and 302 of the Trade Agreements Act and Executive Order 12260, and in order to carry out U.S. obligations under Chapter Nine of the Colombia TPA, I hereby determine that:

1. Colombia is a country, other than a major industrialized country, which, pursuant to the Colombia TPA, will provide appropriate reciprocal competitive government procurement opportunities to United States products and suppliers of such products. In accordance with Section 301(b)(3) of the Trade Agreements Act, Colombia is so designated for purposes of Section 301(a) of the Trade Agreements Act.

2. With respect to eligible products of Colombia (*i.e.*, goods and services covered by the Schedule of the United States in Annex 9.1 of the Colombia TPA) and suppliers of such products, the application of any law, regulation, procedure, or practice regarding government procurement that would, if applied to such products and suppliers, result in treatment less favorable than accorded --

(A) to United States products and suppliers of such products; or

(B) to eligible products of another foreign country or instrumentality which is a party to the Agreement on Government Procurement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)) and suppliers of such products, shall be waived.

With respect to Colombia, this waiver shall be applied by all entities listed in the Schedule of the United States in Annex 9.1 of the Colombia TPA.

3. The designation in paragraph 1 and the waiver in paragraph 2 are subject to modification or withdrawal by the United States Trade Representative.

Ronald Kirk

United States Trade Representative

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